

PLANNING & ZONING COMMISSION

City Council Chambers

800 Game Farm Road, Yorkville, IL

Wednesday, November 13, 2019 7:00pm

Meeting Called to Order

Chairman Jeff Olson called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call:

Don Marcum-yes, Greg Millen-yes, Jeff Olson-yes, Richard Vinyard-yes, Danny Williams-yes, Rusty Hyett (arr. 7:03pm)

Absent: Deborah Horaz

City Staff

Krysti Barksdale-Noble, Community Development Director

Jason Engberg, Senior Planner

Other Guests

Christine Vitosh, Vitosh Reporting Service

Dave Schultz, HR Green

Lynn Dubajic, City Consultant

Hailey Clark, Roadhouse 47

Chantelle Tripp, Roadhouse 47

Lauren Carter, Roadhouse 47

Mike Dubasic, Briarwood

Douglas Reed, Windett Ridge

Katie Finlon, *Kendall County Record*

John P. Cooney, Yorkville Holdings & Roadhouse 47

Kevin Delaney, Delaney's Greenhouse

Previous Meeting Minutes October 9, 2019

The minutes were approved as presented on a motion and second by Commissioners Vinyard and Williams, respectively.

Roll call: Marcum-yes, Millen-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Citizen's Comments None

Public Hearings

Chairman Olson explained the procedure for the Hearing and swore in those who would give testimony. At approximately 7:03pm a motion was made and seconded by Mr. Vinyard and Mr. Williams, respectively, to open the Hearing.

Roll call: Marcum-yes, Millen-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Chairman Olson read the Public Hearing as follows:

1. **PZC 2019-23** The United City of Yorkville, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting a Text

Amendment to Title 10, Chapter 6, Permitted and Special Uses (Zoning Ordinance) of the Yorkville Municipal Code, regulating the zoning of adult-use cannabis business establishments, specifically the time, place, manner, number and minimum distance limitations between such uses and locations the City deems sensitive such as existing schools, parks, religious institutions and residential land uses.

(See Court Reporter Transcript)

The Hearings were closed at approximately 7:37pm on a motion by Mr. Vinyard and second by Mr. Williams.

Roll call: Millen-yes, Olson-yes, Vinyard-yes, Williams-yes, Hyett-yes, Marcum-yes. Carried 6-0.

Unfinished Business None

New Business

Chairman Olson requested to move PZC 2019-26 ahead of PZC 2019-23. Approved on a unanimous voice vote.

(out of order)

2. **PZC 2019-26** David Schultz on behalf of Kendall Holdings I, LLC, petitioner, is seeking final plat approval for Unit 1 of the Kendall Marketplace Commercial Development. The property to be platted includes an approximate 37.77-acre site consisting of ten (10) new commercial lots located at the northwest corner of US Route 34 and Cannonball Trail.

Mr. Engberg said the petitioner is seeking a replat of 10 lots on a 37-acre site. The site is currently divided into 2 lots and is being replatted since smaller lots are more marketable in this economy. Staff is OK with this request.

Action Item

Final Plat

It was moved and seconded by Commissioners Williams and Vinyard, respectively, to approve the request. Motion read by Mr. Vinyard: In consideration of the proposed Final Plat of Subdivision of Kendall Marketplace Unit 1, the Planning and Zoning Commission recommends approval of the plats to the City Council as presented by the Petitioner in plans prepared by HR Green dated last revised 10-30-19, subject to review comments provided by the City Engineer, EEI, Inc. dated October 8, 2019 and November 1, 2019.

Roll call: Olson-yes, Vinyard-yes, Williams-yes, Hyett-yes, Marcum-yes, Millen-yes. Carried 6-0.

1. **PZC 2019-23** Text Amendment/Cannabis (see full description under Public Hearing)

The Commissioners voiced their opinions on this matter. Mr. Marcum said he supports business, but dislikes the revenue generated from questionable businesses. He would not like to see this type of business come to Yorkville and he said he believes the product is much more potent than previously. He approves of the sign portion, however, he said he

disapproves of all other aspects. He personally knows people who were adversely affected by usage and believes people have difficulty accepting responsibility in this era. Mr. Olson said he spoke with about 40 people and most agreed with Mr. Marcum's opinions, however, some were enthusiastic about the health benefits. He said that since the State has made it legal, users will go to the next town if they can't purchase it in Yorkville. He said Colorado makes more arrests for DUI.

Commissioner Vinyard said he agreed with Mr. Marcum. He said the staff provided a very detailed report, but said the State or local government should not oppose the federal government. Since it will be legal, he feels it is more prudent to have it regulated. In his career, he sees far more issues with alcohol. He added that the Commission is tasked with consideration of the zoning regardless of personal feelings.

Mr. Millen also spoke with several people and he believes it is an issue of responsibility. He added that research shows a difference between the effects of liquor and cannabis. He said thousands die due to alcohol abuse, but it is harder to overdose on cannabis. One person he spoke with said they would rather see it regulated and another indicated that if it's legal, it becomes less cool.

Action Item

Text Amendment

Chairman Olson entertained a motion for approval for PZC 2019-23 regarding adult use of cannabis. So moved by Mr. Vinyard and seconded by Mr. Williams. Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on November 13, 2019, the Planning and Zoning Commission recommends approval to the City Council of a request to amend the United City of Yorkville Zoning Ordinance as presented by staff in a memorandum dated October 15, 2019.

Roll call: Vinyard-yes, Williams-yes, Hyett-yes, Marcum-no, Millen-yes, Olson-yes. Carried 5-1.

Additional Business

1. Planning Training Series: Urban Design Principles for Plan Commissioners

Ms. Noble and Mr. Engberg provided this training with a Power Point presentation. They said planning and designing both deal with shaping the community. Slides were shown regarding public spaces, streets, transportation systems, landscaping, open space and more and they discussed how some of these are changing due to ride-sharing and pick-up options. Also noted was autism and how it could affect signage, etc.

2. City Council Action Updates:

- a) PZC 2019-09 Streetscape Master Plan and Form-Based Code approved.
- b) PZC 2019-24 SEAL Special Use permit approved.

Adjournment

There was no further business and the meeting was adjourned at 8:37pm on a motion by Mr. Vinyard and second by Mr. Williams.

Respectfully submitted by Marlys Young, Minute Taker